



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 88-73
Petition of Michael R. and Susan F. Brown
65 Audubon Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, September 15, 1988 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley on the petition of MICHAEL R. AND SUSAN F. BROWN requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow them to raise the roof approximately 11 feet to accommodate a second floor addition approximately 17 feet by 19.8 feet at their non-conforming dwelling at 65 AUDUBON ROAD, in a Single Residence District; said dwelling having less than the required left side yard. This petition was reheard on September 15, 1988 due to absence of a full Board at the August 25, 1988 Public Hearing which nullified said hearing.

On August 8, 1988 the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Michael R. Brown who said that he had submitted a letter to the Board stating the reasons for the petition. He would like to raise the roof to accommodate a second floor addition which would be located over the portion of the house that had been built in 1975 following the granting of a variance for said addition. The present footprint of the house would not be enlarged.

No other persons had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 65 Audubon Road, in a Single Residence District, on a 14,000 square foot lot with a minimum left side yard clearance of 15.05 feet. The dwelling was constructed in 1941.

The petitioners are requesting a variance to raise the roof of their non-conforming dwelling approximately 11 feet to accommodate a second floor addition approximately 17 feet by 19.8 feet with a minimum left side yard clearance of 15.05 feet.

On September 4, 1975, the petitioner was granted a variance to enlarge an existing porch to 17 feet by 24 feet and remodel the space as a family room. The proposed addition lay 15.02 feet from the left side lot line. (ZBA 75-22) The proposed second floor addition will be located over this portion of the dwelling.

A Plot Plan dated July 20, 1988, drawn by Alexander Crucoli, Registered Land Surveyor; unsigned and undated construction plans and elevations; and photographs were submitted. A letter dated August 1, 1988, signed by Michael R. Brown, was also submitted.

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The Planning Board, on August 9, 1988, voted to offer no objection to the request.

Decision

This Authority has made a careful study of the evidence presented. The subject house does not conform to the present Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the proposed second floor addition conforms to the present lines of the house and does not alter the relationship of the house to the left side lot line.

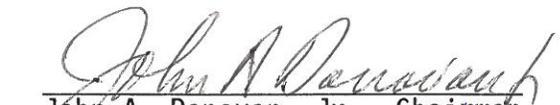
It is the further opinion of this Authority that, because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

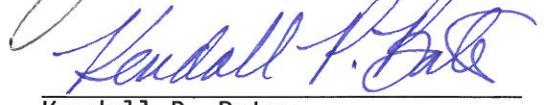
Therefore, the requested variance is granted to construct a second floor addition subject to construction in accordance with the plot plan and construction plans as submitted and described in the foregoing Statement of Facts.

The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.


John A. Donovan, Jr., Chairman


Kendall P. Bates


William E. Polletta

cc: Planning Board
Inspector of Buildings
edg

PLAN OF LAND
IN

WELLESLEY — MASS

Scale: 1" = 20' JULY 20, 1988.

SURVEYOR Alexander Crucoli
ACRES — ENGINEERS, SURVEYORS, INC.
57 Winthrop Road
Chelsea, Mass.

AUDUBON (40') ROAD

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WELLESLEY MASS.

65.37'

104.00'
R = 437.82'

42.55'

42.81'

38'

#65
EXISTING STRUCTURE

SUN
DECK

Proposed
Raising Roof.
Accommodate
Second Floor

14,000 S.F.



Alexander Crucoli

13729

N.I.F.

Nicholas R. & Catherine I. Zaccaro

Arthur B. Jr. & Donis S. Wight
N.I.F.
125.00'

Charles & Sophie Potheau
N.I.F.
120.00'
15.05'
15.19'
19.8'
17.0'
5.2'

50'

Michael + Susan Brown

PLAN OF LAND
IN
WELLESLEY — MASS
Scale: 1" = 20' JULY 29, 1988.

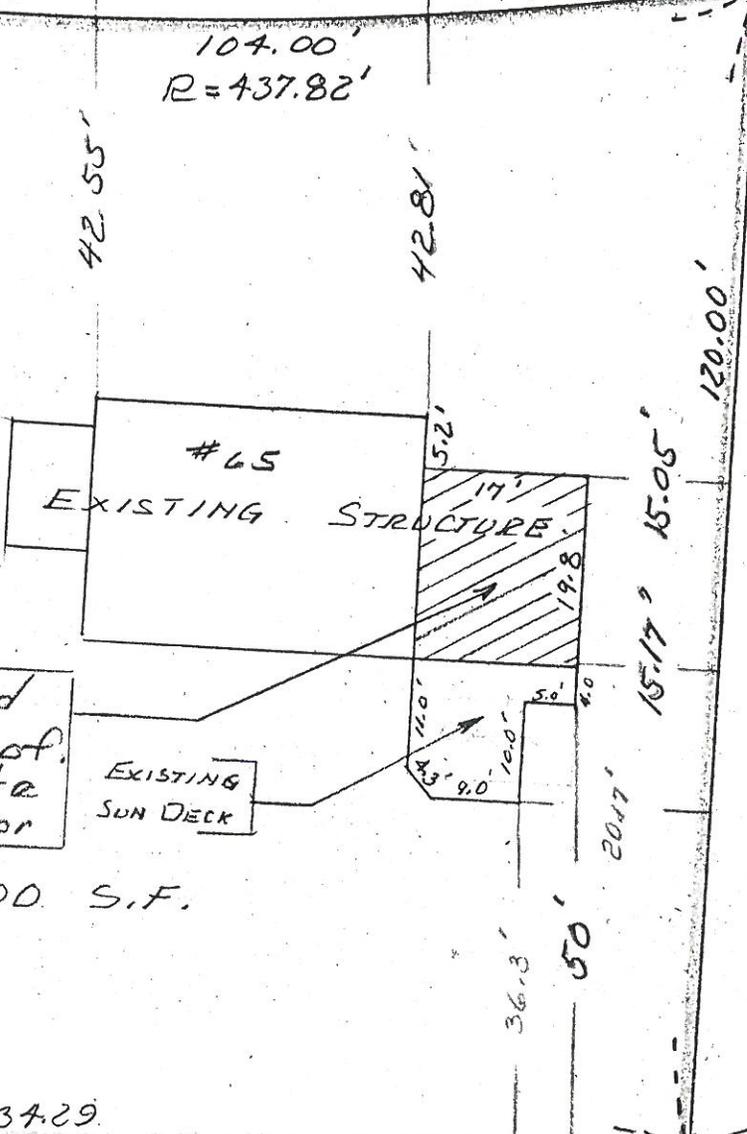
SURVEYOR Alexander CRUCIOLI
ACRES — ENGINEERS, SURVEYORS, I.
57 Winthrop Road
Chelsea, Mass.

AUDUBON (40') ROAD

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Arthur B. Jr. & Doris S. Wright
N.I.F.



Proposed
Raising Roof,
Accommodate
Second Floor
EXISTING
SUN DECK
14,000 S.F.



Charles & Sophie Potheau
N.I.F.

134.29

N.I.F.
Nicholas R. & Catherine I. Zaccaro